

1 David Boies (admitted *pro hac vice*)  
2 Email: dboies@bsflp.com  
3 William D. Marsillo (admitted *pro hac vice*)  
4 Email: wmarsillo@bsflp.com  
5 BOIES, SCHILLER & FLEXNER LLP  
6 333 Main Street, Armonk, NY 10504  
7 Telephone: (914) 749-8200  
8 Facsimile: (914) 749-8300

9 Michael D. Jay (SBN 223827)  
10 Email: mjay@bsflp.com  
11 BOIES, SCHILLER & FLEXNER LLP  
12 401 Wilshire Blvd., Suite 850  
13 Santa Monica, CA 90401  
14 Telephone: (310) 752-2400  
15 Facsimile: (310) 752-2490

16 *Counsel for Plaintiffs Theranos, Inc. and*  
17 *Elizabeth Holmes*

18 **UNITED STATES DISTRICT COURT**  
19 **NORTHERN DISTRICT OF CALIFORNIA**  
20 **SAN JOSE DIVISION**

21 THERANOS, INC. and ELIZABETH HOLMES,

22 Case No. 11-CV-05236-PSG

23 Plaintiffs,

24 v.

25 FUISZ PHARMA LLC, RICHARD C. FUISZ,  
26 and JOSEPH M. FUISZ,

27 Defendants.

28 **DECLARATION OF DR. CHANNING  
ROBERTSON IN SUPPORT OF  
PLAINTIFFS' OPPOSITION TO FUISZ  
PHARMA LLC'S, JOSEPH FUISZ'S,  
AND RICHARD FUISZ'S MOTION  
FOR SUMMARY JUDGMENT ON ALL  
CLAIMS OTHER THAN INVALIDITY  
AND IN THE ALTERNATIVE FOR  
PARTIAL SUMMARY JUDGMENT**

**Declaration Conditionally Filed Under  
Seal Pursuant to Local Rule 7-11 and 79-5**